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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 MICHAEL A. SWINTON,

10 Plaintiff,

11 v.

12 GOODWILL INDUSTRIES, INC.,

13 Defendant.

Case No. 3:17-cv-00123-MMD-VPC

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOKE

14 Before the Court is the Report and Recommendation of United States Magistrate
15 Judge Valerie P. Cooke (ECF No. 27) ("R&R"). No objection to the R&R has been filed.¹

16 This Court "may accept, reject, or modify, in whole or in part, the findings or
17 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party
18 timely objects to a magistrate judge's report and recommendation, then the court is
19 required to "make a *de novo* determination of those portions of the [report and
20 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails
21 to object, however, the court is not required to conduct "any review at all . . . of any issue
22 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
23 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
24 magistrate judge's report and recommendation where no objections have been filed. See
25 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
26 of review employed by the district court when reviewing a report and recommendation to

27 ¹The R&R (ECF No. 27) that was mailed to Plaintiff was returned as
28 undeliverable. (ECF No. 28.)

1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
3 view that district courts are not required to review "any issue that is not the subject of an
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
5 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Cooke's R&R. The R&R recommends that
10 this action be dismissed with prejudice based upon Plaintiff's failure to notify the court of
11 his change of address pursuant to LR IA 3-1. The R&R (ECF No. 27) that was mailed to
12 Plaintiff was returned as undeliverable. (ECF No. 28.) Upon reviewing the R&R and
13 records in this case, this Court finds good cause to adopt the Magistrate Judge's R&R in
14 full.


15 It is therefore ordered, adjudged and decreed that the Report and
16 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No. 27) is accepted and
17 adopted in its entirety.

18 It is ordered that this action is dismissed for plaintiff's failure to comply with LR IA
19 3-1.

20 It is further ordered that Defendant's motion to dismiss (ECF No. 9) and motion to
21 strike (ECF No. 16) are denied as moot.

22 The Clerk is directed to close this case.

23 DATED THIS 12th day of March 2018.

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26 _____
27 MIRANDA M. DU
28 UNITED STATES DISTRICT JUDGE